

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 10, 2006 PLANNING COMMISSION MEETING

P.A.S.: Co Special Permit #06029

PROPOSAL: A special permit to allow mining/extraction of soil.

LOCATION: The east side of N. 56th Street / Hwy 77 between Branched Oak Road and Davey Road.

WAIVER REQUEST: NA

LAND AREA: 159.39 acres more or less.

CONCLUSION: In conformance with the Comprehensive Plan and County Zoning.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 21, 22 and 24, located in the W1/2 of Section 28 T121N, R7E of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Pasture and farming

SURROUNDING LAND USE AND ZONING:

North: Farm land, farm house, zoned AG Agriculture

South: Farm land , farm house, zoned AG Agriculture

East: Farm land, one house, utility substation zoned AG Agriculture

West: Farming, Hwy 77, cemetery and two farm dwellings, zoned AG Agriculture

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture. This is outside the Lincoln Growth Tiers.

UTILITIES: none.

TOPOGRAPHY: Rolling, with a north south ridge line draining east and west. Davey Road and Branched Oak Road are county gravel roads.

TRAFFIC ANALYSIS: N 56th / Hwy 77 is a four lane divided Federal Highway.

PUBLIC SERVICE: This is in the Ceresco Rural Fire District, Waverly School District # 145 and Norris Public Power District.

REGIONAL ISSUES: NA

ENVIRONMENTAL CONCERNS: There are no identified Historic resources. There is no FEMA floodplain shown. Cemetery west across the street. The soil rating on this land is 4.67 on a scale of 1 to 10 where 1 to 4 are prime soils. This is not prime, but very good, ag land.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: farming and up to 7 dwellings.

ANALYSIS:

1. This request is for soil excavation on a 159 acre site, under the provisions of Article 13.001(14) " Mining, extraction of sand, gravel or other raw material and storage and processing thereof in the "AG" and "AGR" Districts. The land surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the County Board".
2. The County Engineer's memo of April 21, 2006 indicated no objection subject to the applicant submit a soil erosion plan to control runoff, maintenance and repair of county roads be the responsibility of the applicant and access is limited to existing access to Highway 77.
3. Health Department notes that off site dust emission be in accordance with Lincoln-Lancaster Air Pollution Regulations.
4. The applicant addressed the listed conditions of the county special permit conditions (Article 13.001 (14)) and some of the Lincoln special permit application conditions (27.63.360 and 27.63.160)(note; the Lincoln standards do not apply but are used as a good guideline for review) as follows;

- a) A grading map showing existing and proposed contours is provided showing a general leveling of the land with up to 41 foot cuts, 28 foot fill and a net of 1,599,185 cubic yards of soil removed.
 - b) Effect on groundwater; not addressed
 - c) Vehicle storage areas; not addressed
 - d) Erosion controls; The applicant notes that design standards for erosion control and sedimentation will be complied with. The proposed pond will be used to catch sediment.
 - e) The surface shall be maintained so surface water is not collected or ponded other than the designed catch ponds. Not addressed
 - f) Topsoil shall be stripped and kept on site for redistribution at the conclusion of the extraction process. Not addressed.
 - g) Cuts will be returned to a slope of less than 3 to 1 and seeded after extraction. Scaling off the map indicates slopes of 3 to 1 or flatter.
 - h) Soils and topography shall be graded and seeded after extraction. Applicant note this is final grade but does not note seeding.
5. A time limit for excavation permits has typically been applied. Three years is recommended for this application.

CONDITIONS:

- 1. This approval permits mining for a soil, sand and gravel excavation operation for a period of three (3) years from the date of approval of this special permit.

General:

- 2. Before beginning excavation operations:
 - 2.1 The permittee shall have
 - 2.1.1 Received review and permits, if required, for the Federal NPDES and 404 Permits.

- 2.1.2 Any required driveway permits for access on to Hwy 77 shall be approved by the Nebraska Department of Roads.
- 2.1.3 Any access to County Roads shall have approval of the County Engineer and an agreement on road maintenance.
- 2.2 The construction plans shall comply with the approved plans.
- 2.3 An erosion control plan shall be approved by the Lower Platte South NRD.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 The County Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

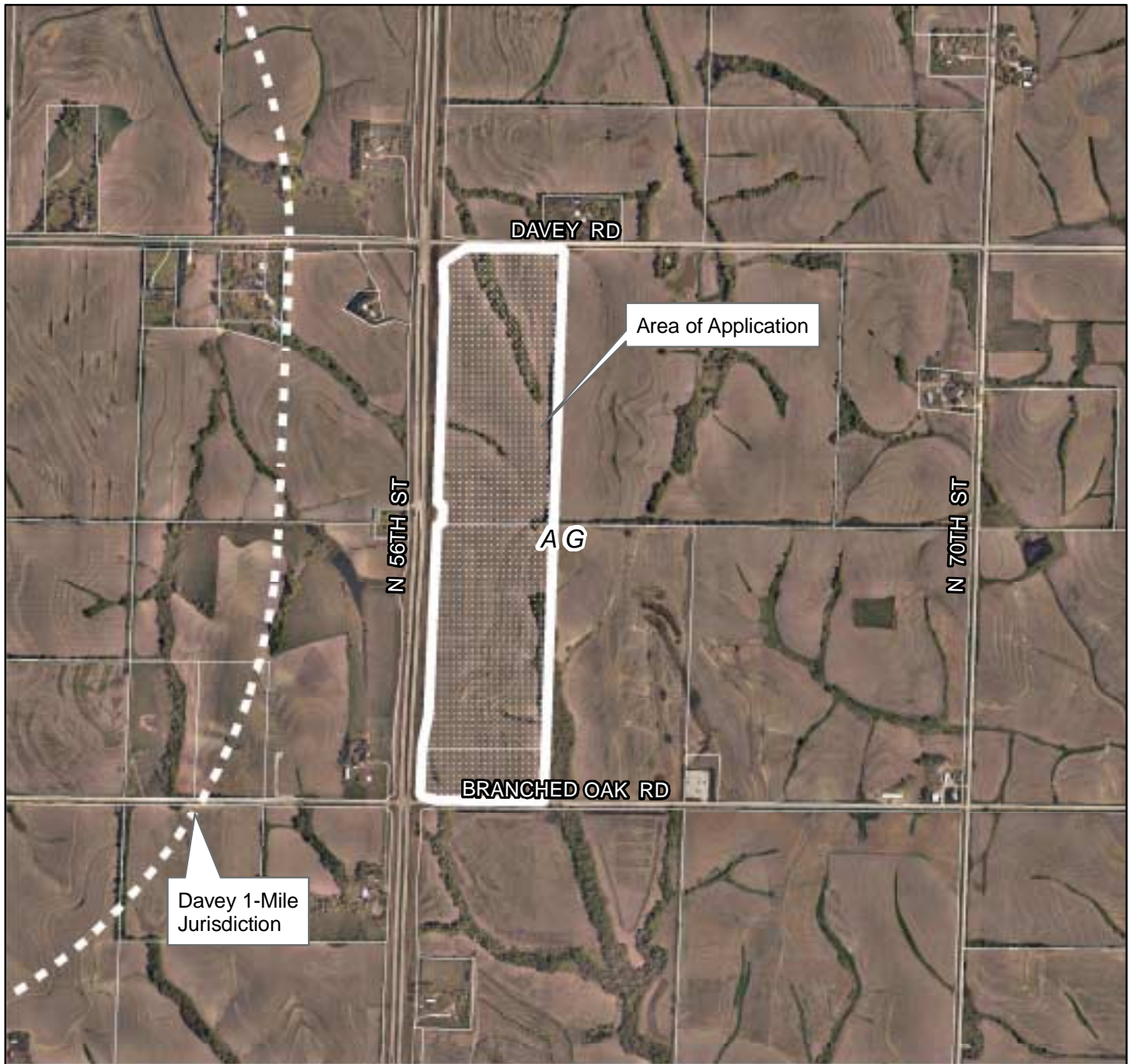
Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: April 27, 2006

APPLICANT: Greg Sanford
3025 N 35th Street, Ste 3
Lincoln, NE 68507
402-466-1759

OWNER: Greg Sanford

CONTACT: Mark Hunzeker
1045 Lincoln Mall
Lincoln, NE 68508
(402) 476-7621



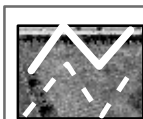
County Special Permit #06029 **Hwy 77 & Davey Rd.**

2005 aerial

Zoning:

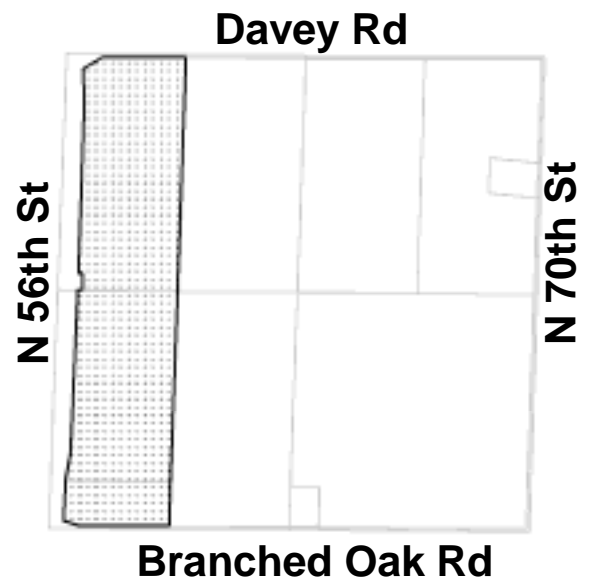
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

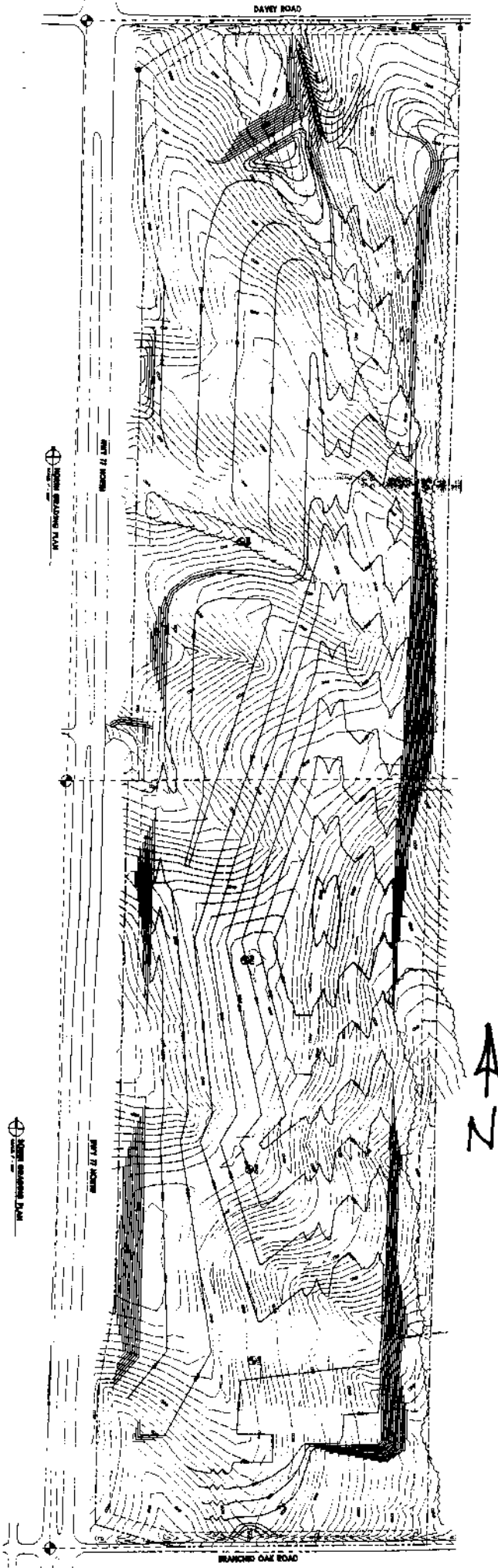
One Square Mile
 Sec. 28 T12N R07E



Zoning Jurisdiction Lines
 City Limit Jurisdiction

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County Special Permit #06029
Hwy 77 & Davey Rd.

DAVEY ROAD

Hwy 77 NORTH

⊕ NORTH GRADING PLAN
SCALE: 1" = 40'

North $\frac{1}{2}$

GREG
GRAPH

County Special Permit #06029
Hwy 77 & Davey Rd.

SOUTH GRADING PLAN
SCALE: 1" = 100'

HWY 77 NORTH

BRANCHED OAK ROAD

4
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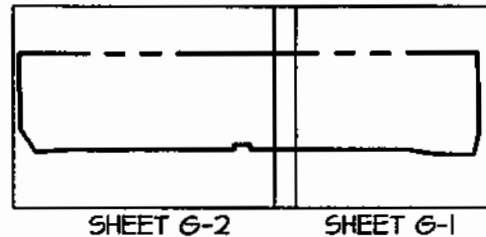
South $\frac{1}{2}$

County Special Permit #06029
Hwy 77 & Davey Rd.

GREEN SAINT CROIX
GRADING PLAN
DATE: 10/1/00

DIAL BEFORE YOU DIG

DIAL BEFORE YOU DIG. CALL
1-800-331-5666 FOR LOCATION
OF UNDERGROUND TELEPHONE,
ELECTRIC, GAS MAINS, CABLE
TELEVISION, AND CITY UTILITIES.



KEY PLAN

GENERAL NOTES

1. ALL CONTOUR LINES, GROUND, FLOOD PLAIN AND MINIMUM OPENING ELEVATIONS SHOWN ARE BASED ON NAVD '88.
2. ALL CURVILINEAR DIMENSIONS SHOWN ARE CHORD LENGTHS UNLESS NOTED.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. TREE MASSES WITHIN THE SITE ARE DECIDUOUS AND CONIFEROUS. THE DEVELOPER AND/OR ASSIGN RESERVE THE RIGHT TO REMOVE AND/OR RELOCATE TREES WITHIN THE LIMITS OF THE SITE. TREES WITHIN THE GRADING LIMITS SHALL BE REMOVED.
5. CONTOURS SHOWN ARE TO FINISHED GRADE.
6. APPROX. GRADING QUANTITIES:
CUT: 1,976,299 CY
FILL: 377,112 (1.33 COMPACTION FACTOR)
NET CUT: 1,599,185 CY SURPLUS

MAXIMUM CUT 41 VERTICAL FEET
MAXIMUM FILL 28 VERTICAL FEET
7. STORM SEWER CULVERTS TO BE DETERMINED.

County Special Permit #06029
Hwy 77 & Davey Rd.

date: 07,
revised:
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NEORN

Lancaster

County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- **LARRY V. WORRELL**
COUNTY SURVEYOR

DATE: April 21, 2006

TO: Mike DeKalb
Planning Department

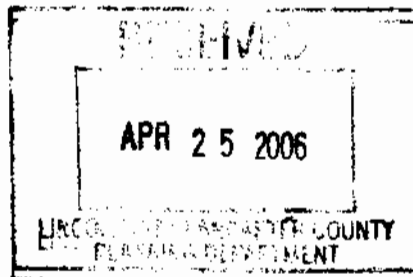
FROM: Larry V. Worrell
County Surveyor

SUBJECT: SPECIAL PERMIT NO. 060029
SOIL EXCAVATION



Upon review, this office has no direct objection, subject to the following:

- 1) Applicant shall be responsible for maintaining and repairing to the County roads should any damage occur. Access is limited to existing access to Highway 77.
- 2) Applicant shall submit a soil erosion plan to control any runoff from the property prior to grading operations



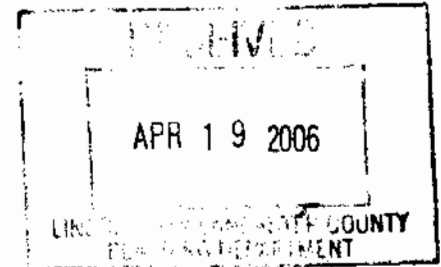
LVW/DP/bml

Phyllis/Special Permits Events & Other/Soil Excavation SP No. 060029



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090



Mike Dekalb, Project Planner
555 S. 10th St. #213
Lincoln, NE 68508

RE: Sanford- Remove Excess Soil

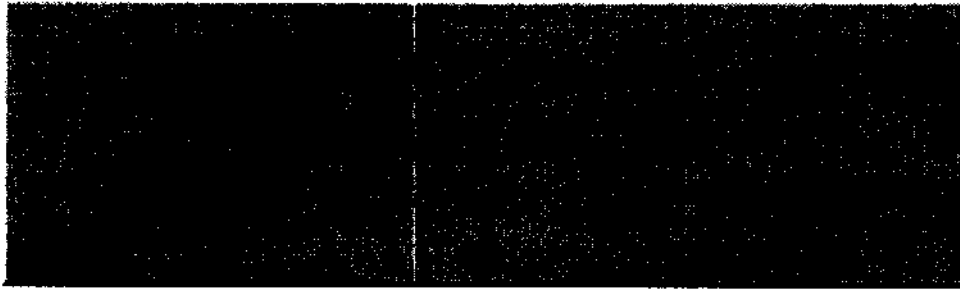
Dear Mike,

I have reviewed the proposed grading plan. The Norris District has an easement along the south $\frac{1}{2}$ of the southwest quarter of section 28, T 12N, R 7E for a 35 KV overhead subtransmission line. These poles are generally located on the north side of the north R.O.W. of Branched Oak Rd. We expect that no grading will be done within 20' of any of these structures. On the north side of section 28, we have a 12.5 KV underground line buried in easement as well. We would expect the existing grade not to be lowered anywhere along that easement.

Thanks for your consideration in this matter. If there are any questions, I can be reached at 423-3855.

Sincerely,

Rick Volmer, Staking Engineer



Status of Review: No Rev Req

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

04/24/2006 3:48:32 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Mike DeKalb DATE: April 24, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Sanford - Remove

EH Administration Excess Soil

SP #06029

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

During the mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Active

Reviewed By Lancaster County Sheriff Department

ANY

Comments:
